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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,427	06/04/2001	Shell S. Simpson	10008209-1	5675

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

BENGZON, GREG C

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,427

Applicant(s)

SIMPSON ET AL.

Examiner

Greg Bengzon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This application has been examined. Claims 1- 35 are pending.

Priority

The effective date of the claims described in this application is June 4 2001.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on February 6, 2003 was filed after the mailing date of the application on June 4 2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11, 15-22, 24-27, 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Levine et al. (US Patent 5974234) hereinafter referred to as Levine .

With respect to Claim 1, Levine discloses a method for representing production devices on a network, (Figure 5, Column 5 Lines 25-45) the method comprising: hosting an interface for one or more production devices, each interface having user accessible

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controls for selecting production options for a document; providing the interface for a production device to a client upon request; and managing the production of the document for the production device using production options selected through the interface. (Column 10 Lines 45-55, Column 4 Lines 55-65, Column 13 Lines 5-20, Column 8 Lines 55-65)

With respect to Claim 2, Levine discloses the method of claim 1, further comprising detecting new production devices connected to the network, and hosting an interface for each new production device. (Column 11 Lines 35-65, Column 12 Lines 15-35, Column 10 Lines 5-35, Column 10 Lines 45-55)

With respect to Claim 3, Levine discloses the method of claim 2, further comprising: acquiring production logic for each detected production device; using the production logic for each detected device, generating an interface having user accessible controls for selecting production options for and directing production of a document on that detected production device; and associating the generated interface with a network address. (Figure 7, Column 13 Lines 40-65, Column 14 Lines 60-65, Column 15 Lines 1-25)

With respect to Claim 4, Levine discloses the method of claim 3, wherein the act of acquiring comprises identifying the new device and acquiring production logic for the identified device from a device information service. (Column 13 Lines 40-65)

With respect to Claim 5, Levine discloses the method of claim 1, wherein each interface is a web page associated with a network address, the act of hosting comprises hosting each interface on a web server, and the act of providing comprises providing the interface to a web browser. (Figure 4, Column 4 Lines 1-35, Column 13 Lx5-20, Column 10 Lines 5-20, Column 8 Lines 1-25)

With respect to Claim 6, Levine discloses the method of claim 1, wherein the interface is hosted and production of the document is managed on a device other than the production device. (Figure 5, Column 8 Lines 45-65)

With respect to Claims 7, the applicant describes methods with substantially the same limitations as those previously described in Claims 1-6. Claim 7 is rejected on the same basis as Claims 1-6.

With respect to Claim 8, Levine discloses a method for managing electronic document production over a computer network, the method comprising: accessing a proxy service for a production device; the proxy service, returning an interface having user accessible controls for selecting production options for a document; returning selected production options to the proxy service; and the proxy service managing production of the document for the production device using production options selected through the interface. (Figure 5, Column 10 Lx45-65, Column 11 Lines 5-25)

With respect to Claims 9-11, the applicant describes methods with substantially the same limitations as those previously described in Claims 1-6. Claims 9-11 are rejected on the same basis as Claims 1-6.

With respect to Claim 15, Levine discloses the method of claim 8, wherein the proxy service operates on a device other than the production device. (Figure 5)

With respect to Claim 16-21, the applicant describes a product with substantially the same limitations as those previously described in Claims 1-11. Claims 16-21 are rejected on the same basis as Claims 1-11.

With respect to Claims 22, and Claims 24-26, the applicant describes a system with substantially the same limitations as those previously described in Claims 1-11 and Claim 16-21. Claims 22, 24-26 are rejected on the same basis as Claims 1-11 and Claims 16-21.

With respect to Claim 27, Levine discloses the system of claim 22, wherein the interface generator and the production engine each operate on a device other than the production device. (Figure 5)

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With respect to Claim 29-34, the applicant describes a system with substantially the same limitations as those previously described in Claims 1-11 and Claim 16-21. Claims 29-34 are rejected on the same basis as Claims 1-11 and Claims 16-21.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-14,23, 28 and 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Levine (US Patent 5974234) further in view of Goodman et al. (US Patent 6757071) hereinafter referred to as Goodman .

With respect to Claim 12-14, Levine substantially discloses the method of claim 8, as presented in the prior rejection for Claim 8.

With respect to Claim 23, Levine discloses the system of Claim 22, wherein the production engine includes: a device driver operable deliver the production plan to the production device, as described in the prior rejection for Claim 22.

With respect to Claims 28 and 35, Levine substantially discloses a system with substantially the same limitations as described in Claims 1-11, 15-22, 24-27, 29-34, as described in the prior rejections for Claims 1-11, 15-22, 24-27, 29-34.

However, Levine does not clearly disclose the method of Claim 12-14 further comprising identifying the document before accessing the proxy service; wherein the interface also includes a user accessible control or controls for identifying the document; wherein the act of managing includes merging the document with the selected production options into a production plan and delivering the production plan in a device-understood format to the production device. Levine does not clearly disclose the system of Claim 23, 28 and 35 with a plan generator operable to merge the document with the production options selected through the interface; and the interface having user accessible controls for selecting production options for a document; a plan generator operable to merge the document with production options selected through the interface. The examiner notes that while the Levine patent describes user interfaces for the production device, the aforementioned features are not clearly explained on by the Levine patent, with these features concerning the preview of the document and the manual, interactive or automatic modification and selection of printing options, depending on the user's desires and the characteristics of the production device.

Goodman describes a system and method providing an intelligent printer driver and user interface. The Goodman patent clearly indicates the target document is identified before accessing the proxy server, since a production device driver is selected based on the target document characteristics. The Goodman patent detects the contents of the document, uses a recommendation module that plans for the production of the document, presents possible modifications options to the user and presents a preview of the modified documents via a user interface. The Goodman patent allows the user to proceed or cancel the printing process. (Figures 4 and 5, Column 2 Lines 20-55, Column 5 Lines 10-65, Column 6 Lines 5-20)

Levine and Goodman are analogous art because they present concepts and practices regarding networked production device systems that provide automated device driver lookup and installation. It is respectfully suggested that at the time of the invention it would have been obvious to a person of ordinary skill in the art to implement the printer detector, content detector, compatibility determination module, recommendation module and user interface module described by Goodman into the system described by Levine. The suggested motivation would have been, as Goodman suggests, to enable to user to take advantage of the growing complexity of production devices, especially colored printers, while shielding the users from difficulty in determining which devices to use given the multitude of devices and compatibility issues. Goodman mentions that because of differences in the printer characteristics it is often difficult to print color images which are perceived as accurate reproductions of the displayed color images. The combination of Goodman and Levine also allows

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document to be sent electronically to different users and printed out in different devices without loss of image quality. Goodman further mentions the advantage of an intelligent driver system when printing black and white documents from color images. (Column 1 Lines 15-65).

Therefore it would have been obvious to combine the Goodman patent with the Levine patent in order to arrive at the invention described by the applicant.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571)272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcb



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